

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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EDDYSTONE RAIL COMPANY, LLC,

Plaintiff,

v.

BRIDGER LOGISTICS, LLC, JULIO RIOS,  
JEREMY GAMBOA, FERRELLGAS  
PARTNERS, L.P., and FERRELLGAS, L.P.,

Defendants.

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CIVIL ACTION

No. 17-0495

**ORDER**

**AND NOW**, this 19th day of July, 2017, upon consideration of the Motion to Dismiss filed by Defendants, Julio Rios (“Rios”) and Jeremy Gamboa (“Gamboa”) (Doc. No. 34), and the Motion to Dismiss Plaintiff’s Complaint filed by Bridger Logistics, LLC (“Bridger Logistics”), Ferrellgas Partners, L.P. and Ferrellgas, L.P. (collectively, “Ferrellgas”) (Doc. No. 35), the Response in Opposition to Defendants’ Motions to Dismiss filed by Plaintiff, Eddystone Rail Company, LLC (“Eddystone”), and all of the Replies and Sur-Replies thereto, it is hereby **ORDERED** that:

1. Rios and Gamboa’s Motion to Dismiss for Lack of Personal Jurisdiction is **DENIED** because specific jurisdiction exists over them and they are not protected by the fiduciary shield doctrine;
2. the Motion to Dismiss for Failure to State a Claim filed by Rios and Gamboa, and the Motion to Dismiss filed by Bridger Logistics and Ferrellgas, are **DENIED** because Eddystone’s Complaint clearly and adequately alleges

colorable claims against each Defendant for Alter Ego, Intentional Fraudulent Transfer (12 Pa. C. S. § 5104(a)), Constructive Fraudulent Transfer (12 Pa. C. S. § 5105), and Breach of Fiduciary Duties of Care and Loyalty to Creditors;

3. the requests for oral argument on the Motions to Dismiss are **DENIED** because oral argument is unnecessary; and
4. all Defendants shall file an answer to the Complaint within twenty (20) days of the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE